

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
KEITH OBRIAN HAMPTON) Case No: 3:98CR285-02
Date of Previous Judgment: September 28, 1999) USM No: 13835-058
(Use Date of Last Amended Judgment if Applicable)) R. Andrew Murray
Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 41 Amended Offense Level: 39
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 360 to life months Amended Guideline Range: 324 to 405 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain): Defendant is not eligible for a sentence reduction since he received a Rule 35 sentencing him to the mandatory minimum sentence in this case.


III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated Sept. 28, 1999 shall remain in effect.

IT IS SO ORDERED.

Order Date: August 19, 2008

Effective Date: _____
(if different from order date)


Frank D. Whitney
United States District Judge

